

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CYNTHIA FAJARDO,

Plaintiff,

vs.

PIERCE COUNTY, a political subdivision of  
the State of Washington; and PIERCE  
COUNTY SHERIFF'S DEPARTMENT, a  
department of Pierce County,

Defendants.

NO. C08-5136 RBL

STIPULATED PROTECTIVE ORDER

THIS MATTER comes before the court upon the agreement of counsel. This stipulation incorporates the language of all prior protective order stipulations entered by the parties<sup>1</sup>. Additional materials/documents pertaining to Defendants' Response to Plaintiff's Ninth Discovery Requests and other changes in language are noted below in bold typeface. By their execution of this Stipulated Protective Order, the parties have agreed as follows:

1. All materials obtained from the personnel files of Paul Pastor, Richard Adamson, Peter Cropp, **and Rustin Wilder** from Pierce County and the Sheriff's Department

<sup>1</sup>Stipulated protective orders in this case were previously entered in state court. See Appendix A (January 19, 2007), Appendix B (August 27, 2007), Appendix C (November 6, 2007), and Appendix D (December 3, 2007).

1 during discovery in this lawsuit shall be kept confidential by the discovering party, provided  
2 that the party may disclose the documents to experts, consultants, and witnesses, as necessary,  
3 in order to prepare for trial of this matter.

4           2. All materials obtained by the discovering party concerning instances in which  
5 the County or Sheriff's Department has been notified of allegations of sexual harassment,  
6 gender discrimination, **retaliation, pay disputes**, and all materials pertaining to any resulting  
7 investigation, shall be kept confidential by the discovering party, provided that the party may  
8 disclose the documents to experts, consultants, and witnesses, as necessary, in order to  
9 prepare for trial of this matter.

10           3. All materials concerning Civil Service Examination test questions, scores, or  
11 rankings shall be kept confidential by the discovering party, provided that the party may  
12 disclose the documents to experts, consultants, and witnesses, as necessary, in order to  
13 prepare for trial in this matter.

14           4. All materials pertaining to the Internal Affairs Investigation of the Lakewood  
15 Special Operations Unit obtained during discovery in this lawsuit shall be kept confidential by  
16 the discovering party, provided that the party may disclose the documents to experts,  
17 consultants, and witnesses, as necessary, in order to prepare for trial of this matter.

18           5. All medical records and/or health care information of the Plaintiff, Cynthia  
19 Fajardo, obtained during discovery in this lawsuit shall be kept confidential by the  
20 discovering party, provided that the party may disclose the documents to experts, consultants,  
21 and witnesses, as necessary, in order to prepare for trial of this matter.

22           6. All financial records of the Plaintiff, Cynthia Fajardo, obtained during  
23 discovery in this lawsuit shall be kept confidential by the discovering party, provided that the  
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1 party may disclose the documents to experts, consultants, and witnesses, as necessary, in  
2 order to prepare for trial of this matter.

3 7. Pierce County shall redact confidential and private information from the  
4 documents it produces; i.e. social security numbers, residential addresses and phone numbers,  
5 confidential medical information, and dependent information.  
6

7 8. If the **above-noted** documents are disclosed to nonparties, pursuant to  
8 paragraphs 1, 2, 3, **4, 5, or 6**, the nonparties shall be advised of the confidential nature of the  
9 documents and of the need to keep the documents and information contained therein  
10 confidential.

11 9. This order in no way affects the right of a party to use documents subject to  
12 this order at trial (including pretrial proceedings), or on appeal therefrom, provided that the  
13 appropriate evidentiary basis can be established.

14 10. At the conclusion of this litigation and any appeals therefrom, any and all  
15 copies of the documents shall be destroyed.

16 11. The parties agree that this order is entered without prejudice, and that at any  
17 time while this action is pending, any party may move the court for relief from this protective  
18 order and/or amendment of the terms of this order for good cause shown.  
19

20 DATED this 26<sup>th</sup> day of May, 2009.

21 GERALD A. HORNE  
22 Prosecuting Attorney

BRESKIN, JOHNSON & TOWNSEND

23 /s/ \_\_\_\_\_  
24 DONNA Y. MASUMOTO  
25 Deputy Prosecuting Attorney  
Attorney for Defendants  
WSBA #19700

/s/ \_\_\_\_\_  
DAVID E. BRESKIN  
Attorney for Plaintiff  
WSBA #10607

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DONE IN OPEN COURT this 29<sup>th</sup> day of May, 2009.

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

BRESKIN, JOHNSON &amp; TOWNSEND

/s/ \_\_\_\_\_  
DAVID E. BRESKIN  
Attorney for Plaintiff  
WSBA #10607